IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 616 /2003

Petitioner : Yashpal Gupta S/o Late Laxmi Gupta aged about 59 years, R/o Jamul Bada Phoolsai Chowk, Durg, District : Durg - (CG).

Versus

Respondents :

1. State of Chhattisgarh through the Secretary Law and Legislative Affairs Department DKS Bhawan, Raipur – (C.G.)
2. The Court Superintendent O/o of District & Sessions Judge, Durg, Dist : Durg- (C.G.)
3. The Collector Durg, Dist : Durg-(C.G.)

P. R. No. 464/03
Presented by Shri S.Verma
dated 10.03.03

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(37)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 616/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15.10.2004.

Shri P. Diwakar, counsel for the petitioner.

Shri N.K. Agrawal, Deputy Advocate General for the State.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 14.7.2000 (Annexure P-2) whereby the petitioner's certificate to practice as Public Notary has been renewed for a period of three years instead of five years.

Brief facts leading to filing of this petition are that the petitioner is practicing as Notary at Durg. As the tenure of petitioner's certificate to practice as Notary was expiring, therefore, he moved an application before the respondent No.3 for renewal of the said certificate. Vide order dated 14.7.2000 certificate of the petitioner was renewed for a period of three years as per old law and provisions of sub-section (2) of Section 5 of the Notaries Act, 1952, whereas, the said provision stood amended by Act No.36 of 1999 whereby the period of three years was extended upto five years w.e.f. 17.12.1999.

I have perused sub-section (2) of Section 5 of the Notaries Act, 1952 which reads thus: -

> *"The government appointing the Notary may on receipt of an application and the prescribed fee renew the certificate of practice of any Notary for a period of five years at a time."*

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

38

आदेश पत्रक

मामला क्रमांक W.P. NO. 616/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Therefore, in view of the amended provision the petitioner's certificate to practice as Notary ought to have been renewed for a period of five years.

In the circumstances, the petitioner's petition deserves to be allowed and accordingly, it is allowed. The respondents are directed to renew the petitioner's certificate for practicing as Notary for a period of five years instead of three years with effect from the original date from which he was entitled for renewal of the certificate.

Certified copy as per Rules.

Sd/-
L.C.BHADOO
Judge

Roshan Padhi

[पीछे देखिये